

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DAN POKORNI, )  
Plaintiff, ) Case No. 1:21-cv-06703  
v. ) Hon. Franklin U. Valderrama  
EDDIE CALDWELL and MUSIC OF THE SEA, INC., ) Hon. Beth W. Jantz  
Defendants. )

**PLAINTIFF'S MOTION TO WITHDRAW MOTION TO STRIKE DEFENDANTS'  
AFFIRMATIVE DEFENSES**

NOW COMES Plaintiff, Dan Pokorni, and moves the Court to Withdraw his Motion to Strike Defendant's Affirmative Defenses, in support thereof represents unto the Court as follows:

1. On June 6, 2022, Defendants filed a pleading entitled “Defendants’ Answer and Counterclaim.
  2. That document contained a Section entitled “Affirmative Defenses” which consisted of 21 paragraphs, each of which consisted of a single sentence describing a purported affirmative defense.
  3. On June 21, 2022, Plaintiff filed a Motion to Strike the Affirmative Defenses which had been pled by Defendants.
4. On June 27, 2022, the Court set a briefing schedule on Plaintiff’s Motion to Strike Defendants; Affirmative Defenses.
5. On June 27, 2022, Defendants filed an Amended Answer and Counterclaims, in which documents, Defendants re-pled the Affirmative Defenses supported by purported allegations of fact.

6. The Amended Answer and Counterclaims now have alleged facts in support of the Affirmative Defenses pled by Defendants.

7. The filing of the Amended Answer and Counterclaims have now made Plaintiff's Motion to Strike Affirmative Defenses moot.

WHEREFORE, Plaintiff prays that the Court grant him leave to withdraw the Motion to Strike Defendants' Affirmative Defenses and vacate the briefing schedule previously set regarding that motion.

Respectfully submitted,

S/Wayne B. Giampietro  
Plaintiff's Attorney

Of counsel:

Poltrock & Giampietro  
123 W. Madison St., Suite 1300  
Chicago, Illinois 60602  
312 236 0606; Fax 312 236 6492  
wgiampietro@giampietrolaw.com  
ARDC # 0947776